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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,814	03/04/2002	Masao Kondo	YAMA:042	8378
7590 06/04/2004			EXAMINER	
ROSSI & ASSOCIATES			DONELS, JEFFREY	
P.O. BOX 826 ASHBURN, VA 20146-0826			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)			Application N .	Applicant(s)			
Juffrey Donels Juffrey Donel	Office Action Summary		10/091,814	KONDO ET AL.			
- The MALLING DATE of this communication appears on the c_ver sheet with the c_rrespondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisors of 3 CFR 1.136(6). In no event, however, may a reply be timely filled Extensions of time may be available under the provisors of 3 CFR 1.136(6). In no event, however, may a reply be timely filled If the period for reply specified above is less time inters (30), aby, a reply within the statutory minimum of tibely (30) days wit be considered filled. If the period for reply specified above is less time inters (30), aby, a reply within the statutory minimum of tibely (30) days wit be considered filled. If the period for reply specified above is less time inters (30), aby, a reply within the statutory minimum of tibely (30) days wit be considered of this communication. Fallula to reply within the set or estended period for reply with, by shallula, cause he application to become ABANGOLED (50 U.S.C.§ 133). Responsive to communication(s) filled on 26 March 2004. 20 Responsive to communication(s) filled on 26 March 2004. 20 This action is FINAL. 20 This action is FINAL. 20 This action is non-filinal. 31 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 2.24 is/are pending in the application. 4 Claim(s) 2.24 is/are allowed. 5 Claim(s) 2.24 is/are allowed. 5 Claim(s) 2.24 is/are allowed. 6 Claim(s) 2.25 is/are allowed. 6 Claim(s) 2.25 is/are allowed. 6 Claim(s) 2.25 is/are allowed. 6 Claim(s) 2.26 is/are allowed. 6 Claim(s) 2.26 is/are allowed. 6 Claim(s) 2.26 is/are allowed. 6 Claim			Examiner	Art Unit			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Ederation of time may be available under the provisions of 37 CFR 1.35(a). In no evant, however, may a reply be timely filed Ederation of the may be available under the provisions of 37 CFR 1.35(a). In no evant, however, may a reply be timely filed Ederation of the provision of the provision of 37 CFR 1.35(a). In no evant, however, may a reply be timely filed. Ederation of the provision of the provision of 37 CFR 1.35(a). In ore vant, however, may a reply be timely filed. Ederation of the provision of the provision of the statutory minimum of thiny (30 days will be considered filed). If the particle of reply specified store, the maximum distatory period vall apply and vall expire SIX (6) MONTH'S from the maining date of the scommunication. If the particle of the specified shows, the maximum distatory period vall apply and vall expire SIX (6) MONTH'S from the maining date of the scommunication, even if limitely filed, may reduce any example statute them adjustment. See 37 CFR 1.704(a). Status 1) May be provided the provision of Claims Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parts Quayle, 1935 c.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 9-24 is/are allowed. 6) Claim(s) 9-25 is/are objected to. 8) Claim(s) 9-25 is/are objected to. 9) The proving(s) filed on is/are objected to by the Examiner. Application Papers 9) The proving(s) filed on is/are objected to by the Examiner. 10) The drawing(s) filed on is/are objected to by the Examiner. 11 proving a p							
THE MAILING DATE OF THIS COMMUNICATION. Extensions of mem pab e available under the provision of 3 CFR 1.15(6). In no event, however, may a raply be timely filed after SIX (8) MONTHS from the mailing date of this communication. It NO period for reply is specified to firsh from the mailing date of this communication. Fallweb reply within the set of extended period for reply will, by attacking value of the pays and will explice X(8) MONTHS from the mailing date of this communication. Fallweb reply within the set of extended period for reply will, by attack, cause the application to become ARANDONED (ds U.S. C. § 133). Any reply received by the Office are then there removes after the mailing date of this communication, even if timely filed, may reduce any securate placet term adjustment. Set 97 CFR 1.704(b). Status 1)[2] Responsive to communication(s) filed on 26 March 2004. 2a)[2] This action is FINAL. 2b)[3] This action is FINAL. 2b)[4] This action is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b)[2] Claim(s) 1-22 is/are allowed. 6b)[3] Claim(s) 1-23 is/are objected to . 8c) Claim(s) 1-3 is/are objected to by the Examiner. Application Papers 9b)[1] The drawing(s) filed on is/are: ab] accepted or bb[1] objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11)[1] The proposed drawing correction filed on is/are: ab] accepted or bb[1] disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12] The eath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13][2] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f). a)[3][3] Acknowledgment is mad							
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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being fully met by Ito et al. See especially Fig. 1.

Regarding Applicant's arguments, Ito does teach performance events having timing information (Fig. 4).

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being fully met by Itoh et al. See especially Figs. 2 and 4.

Regarding Applicant's arguments, Itoh et al. does teach performance events having timing information (Col. 10, lines 35-48).

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being fully met by Tozuka et al.

Regarding Applicant's arguments, Tozuka et al. does teach performance events having timing information (Col. 9, lines 27-56).

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Claims 9-24 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Donels whose telephone number is 571-272-2061. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2800 ext 37. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey Donels
Primary Examiner
Art Unit 2837

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